IN THE HIGH COURT OF JUDICATURE OF BOMBAY

IN INSOLVENCY JURISDICTION

INSOLVENCY PETITION NO.80 OF 2006

Re: Santosh Kumar Bagla ..Debtor.

Ex-parte

First Leasing Company of India Limited ..Petg.Creditor.

Mr.G.R.Mehta for Petitioning creditor.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 20, 2007.

P.C. :

1. The present Petition is founded on the Decree passed by the Court against Debtor on 20th September, 1999 in Summary Suit No.2016 of 1999. As the Debtor failed to pay the amount, Petitioning Creditor took out Notice No.N/249 of 2005 on 21st December, 2005, which was duly served on the Debtor on 19th April, 2006. Inspite of service, Debtor failed to pay the decreetal amount. In that sense, act of insolvency was completed on 25th May, 2006.

2. As the Debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor have had no option but to take out the present action which has been filed on 10th August, 2006. The Debtor has been duly served with notice in

the present action. Inspite of such service, none appears for the Debtor. No reply has been filed. As no explanation has been offered on behalf of the Debtor, Petition ought to succeed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

(A.M.KHANWILKAR,J)